

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

KEITH ANJOYOUS DUNN,  
v.  
ALBERTSONS, et al.,

Case No. 2:16-cv-02194-GMN-PAL

# **REPORT OF FINDINGS AND RECOMMENDATION**

12 This matter is before the court on Plaintiff Keith Anjoyous Dunn's failure to comply with  
13 the court's Order (ECF No. 2). This matter is referred to the undersigned pursuant to 28 U.S.C.  
14 § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice.

15 Mr. Dunn is proceeding in this action *pro se*. He submitted an Application to Proceed *In*  
16 *Forma Pauperis* (ECF No. 1) and a complaint (ECF No. 3). The court issued a Screening Order  
17 (ECF No. 2) granting Dunn permission to proceed *in forma pauperis* and screening the complaint  
18 pursuant to 28 U.S.C. § 1915(e). The undersigned found that the complaint failed to state a valid  
19 claim and allowed him until September 10, 2017, to file an amended complaint if he believed he  
20 could correct the noted deficiencies. The Screening Order warned Dunn that a failure to file an  
21 amended complaint addressing the deficiencies explained by the court would result in a  
22 recommendation to the district judge that this case be dismissed. To date, Mr. Dunn has not filed  
23 an amended complaint, requested an extension of time, or taken any other action to prosecute this  
24 case.

25 | Accordingly,

26 | //

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**IT IS RECOMMENDED** that:

1. Plaintiff Keith Anjoyous Dunn's Complaint (ECF No. 3) be DISMISSED.
2. The Clerk of the Court be instructed to close the case and enter judgment accordingly.

Dated this 26th day of October, 2017.

Peggy A. Teer  
PEGGY A. TEER  
UNITED STATES MAGISTRATE JUDGE

## **NOTICE**

This Report of Findings and Recommendation is submitted to the assigned district judge pursuant to 28 U.S.C. § 636(b)(1) and is not immediately appealable to the Court of Appeals for the Ninth Circuit. Any notice of appeal to the Ninth Circuit should not be filed until entry of the district court's judgment. *See Fed. R. App. Pro. 4(a)(1).* Pursuant to LR IB 3-2(a) of the Local Rules of Practice, any party wishing to object to a magistrate judge's findings and recommendations shall file and serve *specific written objections*, together with points and authorities in support of those objections, within 14 days of the date of service. *See also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 6, 72. The document should be captioned "Objections to Magistrate Judge's Report of Findings and Recommendation," and it is subject to the page limitations found in LR 7-3(b). The parties are advised that failure to file objections within the specified time may result in the district court's acceptance of this Report of Findings and Recommendation without further review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). In addition, failure to file timely objections to any factual determinations by a magistrate judge may be considered a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the recommendation. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir. 1991); Fed. R. Civ. Pro. 72.